

REMARKS

The present application includes pending claims 1-40, all of which have been rejected. By this Amendment, claims 1, 4-6, 11, 14-16, 21, 24-26, 32, 37 and 39 have been amended. New claims 41-44 have been added.

Claims 1-3, 9-13, 19-23, 29-33 and 35-40 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,774,926 ("Ellis"). Claims 4, 5, 14, 15, 24 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of U.S. 2002/0056119 ("Moynihan"). Claims 6-8, 16-18, 26-28 and 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of U.S. 2002/0104098 ("Zustak"). Without conceding that Ellis qualifies as prior art under 35 U.S.C. 102(e), the Applicants respectfully traverse these rejections for at least the following reasons:

The Applicants first turn to the rejection of claims 1-3, 9-13, 19-23, 29-33 and 35-40 as being anticipated by Ellis. Ellis discloses the following:

[A] video created by a contributor at user equipment 102 may be distributed to viewers at receiving user equipment 104 via communications network 106 and Internet service provider (ISP) 108. Videos may be distributed this way **in real time**.

Ellis at column 7, lines 33-37 (emphasis added). This portion of Ellis discloses that the video may be "**distributed**" as it is being created (*i.e.*, in "real time"). In Ellis, however, distribution involves uploading the video to a storage facility. The video is then transmitted from the storage facility to a **broadcast** center. Then the video may then be **broadcast** through a personal (as opposed to private) channel at a scheduled time determined by the video creator and/or the broadcaster, or it may be "pulled" by the viewer on demand. However, Ellis does not describe, teach or suggest that a contributor associates a desired destination with the video, or that the

videos are being “pushed” from one user to another. Further, Ellis does not describe, teach or suggest that the personal channel is in any way “private.” Indeed, the fact that it is may be broadcast or accessed on demand suggests quite the opposite. In general, Ellis describes a scenario in which video data may be generally “distributed” as it is being created (*i.e.*, sent in “real time”).

The Applicants respectfully submit that Ellis does not describe, teach or suggest “establishing a **private** television channel to be showed by a first television at a first home **and** a second television at a second home,” as recited in claims 1 and 11, for example. Instead, Ellis discloses distribution or broadcasting media, or accessing the media on demand. Thus, for at least these reasons, Ellis does not anticipate claims 1-3, 9-13, 19-23 and 29-31.

Additionally, Ellis does not describe, teach or suggest “associating personal media with said private television channel, wherein said personal media is pushed from said first home to said second home,” as recited in claims 1 and 11, for example. For at least these reasons, Ellis does not anticipate claims 1-3, 9-13, 19-23 and 29-31.

Further, Ellis does not describe, teach or suggest “**associating destination information** regarding one or both of said first and/or second homes with said private television channel and/or said personal media,” as recited in claims 1 and 11, for example. For at least these reasons, Ellis does not anticipate claims 1-3, 9-13, 19-23 and 29-31.

Claim 32 recites, in part, “establishing a private television channel; associating personal media with said private television channel; associating destination information regarding one or both of first and/or second locations, respectively, with said private television channel and/or

said personal media.” For at least the reasons discussed above, the Applicants respectfully submit that Ellis does not anticipate claims 32-33 and 35-36.

Claim 37 recites, in part, “said user interface facilitating creation of a personal television channel; said processor participates to establish the personal television channel on the television display; said processor associates destination information regarding one or both of first and/or second locations with the private television channel and/or the personal media associated with the personal television channel.” For at least the reasons discussed above, the Applicants respectfully submit that Ellis does not anticipate claims 37-38.

Claim 39 recites, in part, “a personal television channel viewable on the television display established through participation by said processor, wherein personal media is associated with said personal television channel, wherein destination information regarding the television display is associated with said personal television channel, and wherein said personal television channel is pushed to the television display from a remote location.” For at least the reasons discussed above, the Applicants respectfully submit that Ellis does not anticipate claims 39-40.

The Applicants next turn to the rejection of claims 4, 5, 14, 15, 24 and 25 as being unpatentable over Ellis in view of Moynihan. The Applicants respectfully submit that the proposed combination of references does not render these claims unpatentable for at least the reasons discussed above.

The Applicants next turn to the rejection of claims 6-8, 16-18, 26-28 and 34 as being unpatentable over Ellis in view of Zustak. The Applicants respectfully submit that the proposed combination of references does not render these claims unpatentable for at least the reasons discussed above.

New claims 41-44 depend from claims 1, 11, 21 and 27, respectively. The Applicants respectfully submit that these claims are allowable for at least the reasons discussed above with respect to the independent claim from which they depend.

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully request reconsideration of the claim rejections for at least the reasons discussed above. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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